

**FEDERAL COMMUNITY DEFENDER OFFICE  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

***Capital Habeas Unit***

FEDERAL COURT DIVISION - DEFENDER ASSOCIATION OF PHILADELPHIA

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September 5, 2019

Hon. Mitchell S. Goldberg  
United States District Judge  
7614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: *Wharton v. Vaughn*, No. 01-6049

Dear Judge Goldberg:

Petitioner Robert Wharton submits this letter to provide additional authority in support of his Motion for Continuance and Response (ECF No. 180) to the Attorney General's Amicus Brief (ECF No. 171). In his Response, at 15, Mr. Wharton urges the Court to accept the parties' proposed settlement of his habeas corpus litigation. Mr. Wharton now advises the Court that a similar settlement was accepted in *Marshall v. Wetzel*, No. 03-cv-03308, 2018 WL 5801313 (E.D. Pa. Nov. 6, 2018) (Leeson, U.S.D.J.). The *Marshall* court ruled:

[B]ased upon respondents' concession, I grant petitioner habeas corpus relief on those 17 claims and vacate the death sentences for the murders of Myndie McCoy and Karima Saunders. Furthermore, I direct that this case be remanded to the Court of Common Pleas of Philadelphia County for resentencing consistent with respondents' concession that they will not seek the death penalty upon resentencing.

2018 WL 5801313, at \*1. The court denied relief on Mashall's remaining claims. *Id.* at \*2.

Respectfully submitted,

/s/ Claudia Van Wyk  
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